

**APPENDIX 4.1-B
APPROVED JURISDICTIONAL
DETERMINATION**



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS SAN FRANCISCO DISTRICT
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

CESPN-RGN

MAY 6, 2024

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (January 18, 2023) as amended by the "Revised Definition of 'Waters of the United States'; Conforming" (September 8, 2023),¹ SPN-2024-00036

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.² AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.³

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published the "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule"). On September 8, 2023, the agencies published the "Revised Definition of 'Waters of the United States'; Conforming", which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S. 651 (2023) ("*Sackett*").

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁴ the 2023 Rule as amended, as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

¹ While the Revised Definition of "Waters of the United States"; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² 33 CFR 331.2.

³ Regulatory Guidance Letter 05-02.

⁴ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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- i. W 1, 0.013 acre, non-jurisdictional
- ii. NFW 1, 0.010 acre, non-jurisdictional
- iii. NFW 2, 0.036 acre, non-jurisdictional
- iv. NFW 3, 0.015 acre, non-jurisdictional
- v. NFW 4, 0.005 acre, non-jurisdictional
- vi. OW 1, 0.006 acre, non-jurisdictional
- vii. OW 2, 0.014 acre, non-jurisdictional
- viii. OW 3, 0.058 acre, non-jurisdictional
- ix. NFWED 1, 0.003 acre, non-jurisdictional
- x. NFWED 2, 0.0004 acre, non-jurisdictional
- xi. NFWED 3, 0.0003 acre, non-jurisdictional
- xii. NFWED 4, 0.0009 acre, non-jurisdictional
- xiii. NFWED 5, 0.0006 acre, non-jurisdictional

2. REFERENCES.

- a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")
- b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 (September 8, 2023))
- c. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The 30.1-acre site consists of four parcels (APNs: 011-290-007, 038, 039, & 011-310-023) located in the southeast portion of the City of Calistoga at 500 Kortum Canyon Road, Calistoga, Napa County, California; Latitude 38.57432°, Longitude -122.58439°. The site was previously partially developed as a residence and low-density apartment complex, including storage of various construction materials and debris. All buildings have been removed, leaving distinct clearings devoid of vegetation and

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evidence of altered hydrology through assorted culverts, drainage boxes, retaining walls and drainage pipes. Multiple mapped features appear to be the result of removing buildings and associated drainage infrastructure.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. The nearest TNW is the Napa River at the 1st Street bridge in the City of Napa, approximately river mile 19. The waters from the review area enter the Napa River at approximately river mile 50. The Napa River is a relatively permanent water (RPW) with perennial flow at this location.⁵
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. Waters on in the review area follow two flow paths to the Napa River. The first flow path is from W 1, a portion of a wetland ditch that is formed when a storm drain along Kortum Canyon Road emerges from underground at the eastern boundary of the review area. The ditch continues offsite for 200 feet before entering the city storm drain and flowing 0.15 mile and is joined by one additional storm drain branch before entering the Napa River, an RPW. The second flow path starts within the central portion of the review area where a drainage pipe daylights at OW 3 which flows through OW 2 to OW 1 before flowing into a buried pipe which continues downslope 0.07 mile to a storm drain. The storm drain then flows 0.42 mile and is joined by three additional storm drain branches before entering the Napa River. The second flow path enters the Napa River approximately 0.4 mile north of flow path 1. The Napa River then flows approximately 31.5 miles to the 1st Street bridge in the City of Napa where it becomes a TNW.
6. SECTION 10 JURISDICTIONAL WATERS⁶. Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁷ There are no navigable waters within the review area.

⁵ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established.

⁶ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as “navigable in law” even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁷ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

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7. SECTION 404 JURISDICTIONAL WATERS. Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.
 - a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A
 - b. The Territorial Seas (a)(1)(ii): N/A
 - c. Interstate Waters (a)(1)(iii): N/A
 - d. Impoundments (a)(2): N/A
 - e. Tributaries (a)(3): N/A
 - f. Adjacent Wetlands (a)(4): N/A
 - g. Additional Waters (a)(5): N/A
8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES.
 - a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁸ Five separate segments of a single drainage were mapped as features NFWED 1 through NFWED 5, totaling 0.005 acre. These features are segments of an ephemeral feature that does not contain relatively permanent flow and does not have an ordinary high water mark. These features were investigated in the field and found to meet the definition of swales and erosional features in 33 CFR 328.3(b)(8).

⁸ 88 FR 3004 (January 18, 2023)

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- b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water). Four wetland features (NFW 1 – 4) are scattered throughout the site, totaling 0.066 acre. These features are located where earthwork, demolition of previous structures, or grading has resulted in ponding of water creating wetland conditions. These features were determined to not meet 33 CFR 328.3(a)(4) since they are isolated and do not flow offsite or have a continuous surface connection to (a)(1), (a)(2), or (a)(3) waters.

Feature W 1 is an approximately 0.013-acre portion of a seasonal wetland ditch that continues offsite. The seasonal wetland is formed where a 36-inch buried pipe daylight into the ditch. The pipe is part of the City of Calistoga storm drain line and extends approximately 200 feet above ground before entering a culvert and flowing 0.15 mile along Lincoln Avenue in a Caltrans storm drain line before entering the Napa River. The storm drain carries water from Kortum Canyon along with three drain inlets on Lincoln Avenue along the path to the Napa River. A single 12-inch drain enters the storm drain immediately before the Napa River. The storm drain receives water from multiple sources and does not constitute a continuous surface connection from the wetland to the Napa River. This feature was determined to not meet 33 CFR 328.3(a)(4) since it does not have continuous surface connections to (a)(1), (a)(2), or (a)(3) waters.

The non-wetland waters identified as OW 1, OW 2, and OW 3, totaling 0.078 acre, are not tributary to (a)(1) or (a)(2) waters and do not meet 33 CFR 328.3(a)(3). These waters convey water from a drainage pipe through OW 2, ponding seasonally in OW 3, then flowing through OW 1 into a buried drainpipe. This pipe is part of the onsite drainage improvements and conveys water 0.07 mile to a storm drain connected to the Caltrans storm drain line and City of Calistoga storm drain line, flowing 0.42 mile to the Napa River. These storm drains also collect water on Foothill Boulevard, and Gold Street. The storm drain system does not qualify as a continuous surface connection and these features were determined to not be jurisdictional tributaries to the Napa River under 33 CFR 328.3(a)(3).

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
 - a. "Aquatic Resources Delineation Report, Kortum Ranch Subdivision Project, Calistoga, Sonoma County, California," prepared by Monk & Associates, Inc., dated December 7, 2023
 - b. Field visit on March 7, 2024

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- c. "Sheet 1. Revised Aquatic Resources Delineation Map, Kortum Ranch Development, 500 Kortum Canyon Road Project Site, Calistoga, California," prepared by Monk & Associates, Inc., dated April 23, 2024
 - d. City of Calistoga Storm Drain System, dated May 2019, received by email on April 11, 2024, from Hamid Heidary, P.E. Senior Civil Engineer City of Calistoga Public Works Department
 - e. Figure 1. Flow Path to the Napa River, an (a)(3) Water, and Figure 2. Flow Path to the Nearest Traditional Navigable Water (TNW), prepared by Zachary Simmons (Corps), dated April 23, 2024
10. OTHER SUPPORTING INFORMATION. While the delineation report cited as Data Source 9.a. contains accurate locations of aquatic resources, the final jurisdictional status of the features was changed following the field verification visit and is shown in the revised Sheet 1 (Data Source 9.c.).
11. NOTE. The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

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12. PHOTOS.



Photo 1. NFW 2 is situated in a low spot on a graded road (March 7, 2024).



Photo 2. OW 2 flows down a densely vegetated slope and enters OW 3, shown in the background (March 7, 2024).

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Photo 3. OW 1 enters a buried drainpipe (March 7, 2024).



Photo 4. Buried drainpipe from OW 1 enters the storm drain (March 7, 2024).



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

May 13, 2024

Regulatory Division

Subject: Approved Jurisdictional Determination; File Number SPN-2024-00036

Monk & Associates, Inc
Attn: Mr. Mark Jasper
1136 Saranap Avenue, Suite Q
Walnut Creek, California 94595
Mark@monkassociates.com

Dear Mr. Jasper:

This correspondence is in reference to your submittal of March 12, 2024, on behalf of Metropolitan Planning Group, requesting an approved jurisdictional determination of the extent of navigable waters of the United States and waters of the United States occurring on the Kortum Ranch Subdivision project site. The 30.1-acre site is located at 500 Kortum Canyon Road (APNs: 011-290-007, 038, 039, & 011-310-023) in the City of Calistoga, Napa County, California; Latitude 38.57432°, Longitude -122.58439°.

The enclosed delineation map titled "Approved Jurisdictional Determination, pursuant to Section 404 Clean Water Act, Kortum Ranch Subdivision Project, Calistoga, Napa County, California," in one sheet, certified May 13, 2024, accurately depicts the extent and location of wetlands and other waters within the project site. As detailed in the enclosed memorandum for record, this approved jurisdictional determination is based on the current conditions of the site, as verified during a field investigation of March 7, 2024, a review of available digital photographic imagery, and a review of other data included in your submittal and is in accordance with 40 C.F.R. § 120.2. This approved jurisdictional determination will expire in five years from the date of this letter unless new information or a change in field conditions warrants a revision to the delineation map prior to the expiration date.

The enclosed delineation map depicts the extent and location of 0.079 acre of wetlands and 0.083 acre of other waters within the project site that are **not** subject to U.S. Army Corps of Engineers' regulatory authority under Section 404 of the Clean Water Act. Waters of the United States do not generally include: waste treatment systems; prior converted cropland; ditches excavated wholly in and draining only dry land; artificially irrigated areas that would revert to dry land the irrigation ceased; artificial lakes and ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing; artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons; water-filled depressions created in dry land incidental to

construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; swales and erosional features characterized by low volume, infrequent, or short duration flow (33 C.F.R. § 328.3).

The delineation included herein has been conducted to identify the location and extent of the aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of an NRCS Certified Wetland Determination with the local USDA service center, prior to starting work.

The exclusion of an aquatic resource within the project site from the definition of a jurisdictional water of the United States does not obviate any requirement to obtain other Federal, State, or local approvals necessitated by law. Any impacts to federally-listed threatened or endangered species and/or designated critical habitat may be subject to regulation by the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under Section 10 of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*). If "waters of the state" are potentially present, the site may be subject to regulation by the California Regional Water Quality Control Board, North Coast Region, under the Porter-Cologne Water Quality Control Act, as amended (California Water Code § 1300 *et seq.*). You are, therefore, urged to contact these agencies directly to determine the need for other authorizations or permits.

You are advised that the approved jurisdictional determination may be appealed through the U.S. Army Corps of Engineers' *Administrative Appeal Process*, as described in 33 C.F.R. pt. 331 and outlined in the enclosed flowchart and *Notification of Administrative Appeal Options, Process, and Request for Appeal* (NAO-RFA) Form. If you do not intend to accept the approved jurisdictional determination, you may elect to provide new information to this office for reconsideration of this decision. If you do not provide new information to this office, you may elect to submit a completed NAO-RFA Form to the Division Engineer to initiate the appeal process; the completed NAO-RFA Form must be submitted directly to the Appeal Review Officer at the address specified on the NAO-RFA Form. You will relinquish all rights to a review or an appeal unless this office or the Division Engineer receives new information or a completed NAO-RFA Form within 60 days of the date on the NAO-RFA Form. If you intend to accept the approved jurisdictional determination, you do not need to take any further action associated with the Administrative Appeal Process.

You may refer any questions on this matter to Zachary Simmons of the Regulatory staff by telephone at (415) 503-2951 or by e-mail at Zachary.M.Simmons@usace.army.mil. All correspondence should be addressed to the Regulatory Division, North Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. The Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website: <https://www.sfn.usace.army.mil/Missions/Regulatory/>.

Sincerely,

William M. Connor
North Branch Chief
Regulatory Division

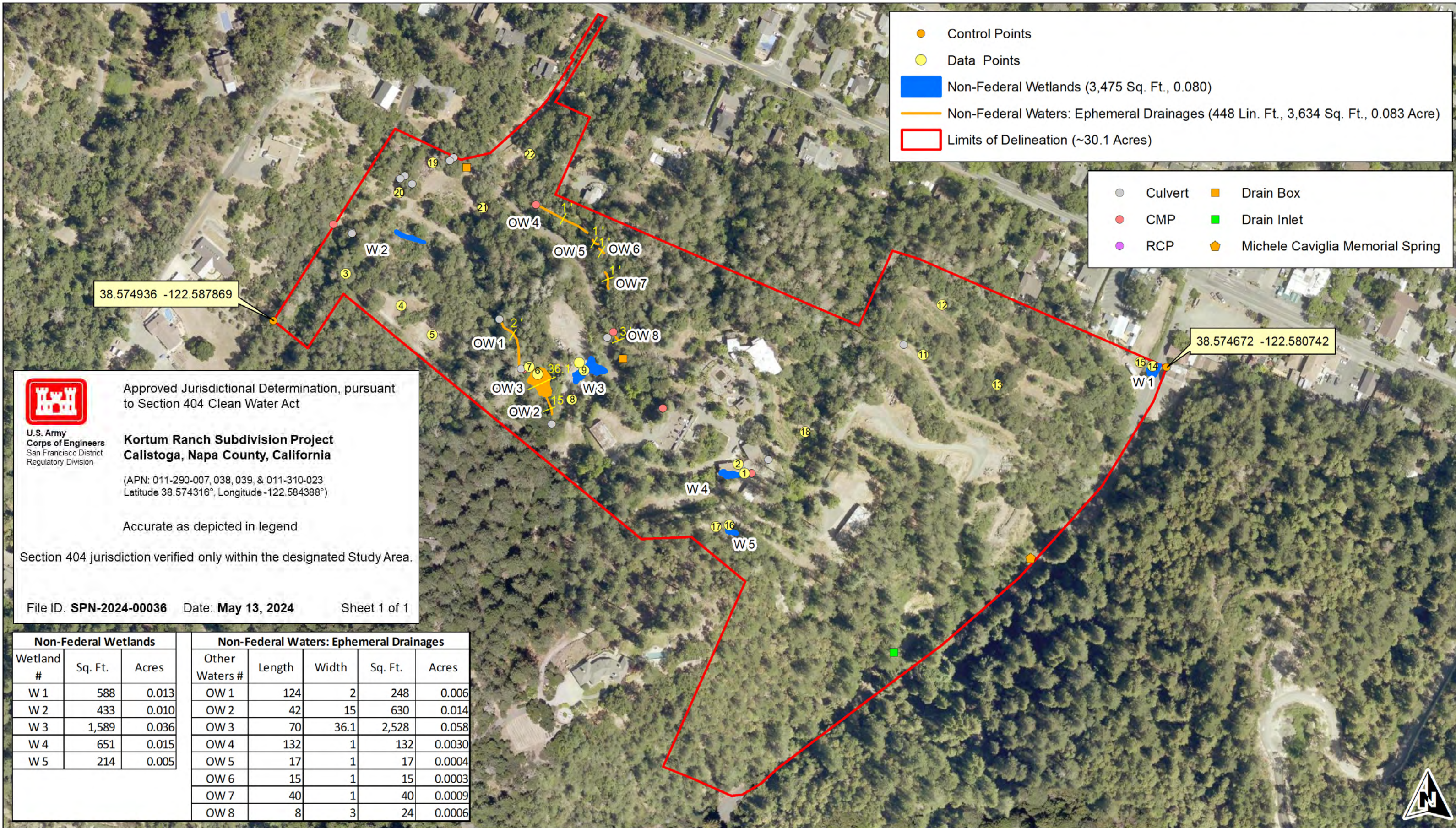
Enclosures

cc:

Metropolitan Planning Group, Olivia Ervin, OErvin@m-group.us
Monk & Associates, Inc., Christy Owens, Christy@monkassociates.com

cc (w/ map encl only):

CA RWQCB, Gil Falcone, Gil.Falcone@waterboards.ca.gov
U.S. EPA, Russell Huddleston, Huddleston.Russell@epa.gov
CA SWRCB, Sacramento, CA, SB-401Application@waterboards.ca.gov



U.S. Army
Corps of Engineers
San Francisco District
Regulatory Division

Approved Jurisdictional Determination, pursuant to Section 404 Clean Water Act

**Kortum Ranch Subdivision Project
Calistoga, Napa County, California**

(APN: 011-290-007, 038, 039, & 011-310-023
Latitude 38.574316°, Longitude -122.584388°)

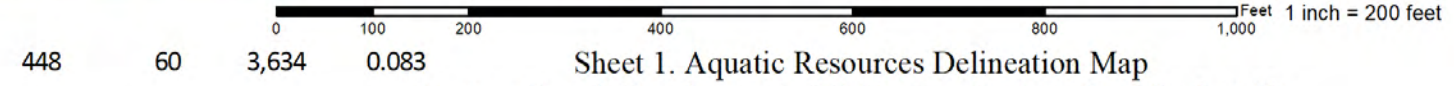
Accurate as depicted in legend

Section 404 jurisdiction verified only within the designated Study Area.

File ID: **SPN-2024-00036** Date: **May 13, 2024** Sheet 1 of 1

Non-Federal Wetlands			Non-Federal Waters: Ephemeral Drainages				
Wetland #	Sq. Ft.	Acres	Other Waters #	Length	Width	Sq. Ft.	Acres
W 1	588	0.013	OW 1	124	2	248	0.006
W 2	433	0.010	OW 2	42	15	630	0.014
W 3	1,589	0.036	OW 3	70	36.1	2,528	0.058
W 4	651	0.015	OW 4	132	1	132	0.0030
W 5	214	0.005	OW 5	17	1	17	0.0004
			OW 6	15	1	15	0.0003
			OW 7	40	1	40	0.0009
			OW 8	8	3	24	0.0006

Monk & Associates
Environmental Consultants
1136 Saranap Avenue, Suite Q
Walnut Creek, California 94595
(925) 947-4867



Sheet 1. Aquatic Resources Delineation Map
Kortum Ranch Development, 500 Kortum Canyon Road Project Site
Calistoga, California

Corps Confirmation Date: March 7, 2024
Corps Confirmation by: Zachary Simmons
Delineation Conducted on: May 23, 2023
Delineation Conducted by: Christy Owens and Sarah McNamara
Aerial Photograph Source: ESRI
Map Preparation Date: May 10, 2024

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Monk & Associates, Inc., Attn: Mr. Mark Jasper	File No.: SPN-2024-00036	Date: May 13, 2024
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

William M. Connor
North Branch Chief
Regulatory Division, San Francisco District
U.S. Army Corps of Engineers
450 Golden Gate Avenue, 4th Floor
San Francisco, CA 94102-3404
Phone: (415) 503-6631
Email: William.M.Connor@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Travis Morse
Administrative Appeal Review Officer
South Pacific Division
U.S. Army Corps of Engineers
450 Golden Gate Avenue, 6th Floor
San Francisco, California 94102-3406
Phone: (213) 452-3146
Email: W.Travis.Morse@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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